



ISU

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application

Milan KCAVENDA

Application No.: 10/565,159

Group Art Unit: 2873

Filed: January 19, 2006

Examiner: Hung Xuan Dang

For: RECESSED HINGE TO MAKE THE TEMPLES OF SPECTACLES ELASTIC

INFORMATION DISCLOSURE STATEMENT WITH

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to Rules 56 and 98, Applicant hereby calls the attention of the Patent Office to the references listed on the attached Form PTO 1449

Applicant presents these references so the Patent Office may, in the first instance, determine any relevancy thereof to the presently claimed invention, see Beckman Instruments, Inc. v. Chemtronics, Inc., 439 F.2d 1369, 1380, 165 USPQ 355, 364 (5th Cir. 1970). Also see Patent Office Rule 104. Applicant respectfully requests these references be expressly considered during the prosecution of this application and made of record herein and appear among the "References Cited" on any patent to issue herefrom.

Supplemental Information on References of IDS of November 27, 2006

Also, Applicants inform the Patent Office that a prior IDS of November 27, 2006, cited references cited in a third party letter attached to an EPO Communication of August 28, 2006, in a corresponding application. Some of the references submitted in the IDS of November 27, 2006, namely IT 1239847, EP 0462936, US 5,400,090, IT 1147198 and US 1,729,901, were known to Applicant or Applicant's foreign representative prior to the EPO Communication. In particular, they were known to Applicant or Applicant's foreign representative shortly after being cited in a brief dated

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July 7, 2006, in a case before the Court of Milan. The Court case in Milan involves the corresponding Italian priority application number BL2003A000011 and the Italian portion of the corresponding European application number 1646906. However, the Court of Milan is not a foreign patent office. Thus, applicant submits the certification under 37 CFR 1.97(c) and 1.97(e)(1) was correctly made in the IDS of November 27, 2006. Namely the certification that each item of information contained in the IDS of November 27, 2006, was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the IDS of November 27, 2006.

However, if the Examiner believes the undersigned misinterpreted the certification and a fee pursuant to Rule 97(c) and Rule 17(p) is due to have the references of the IDS of November 27, 2006 considered then the Examiner is authorized to charge the fee to Deposit Account 19-4375.

Supplemental Information on References of the Present IDS

The above-mentioned brief filed in the Court of Milan also mentions the following documents: US 1,504,212, US 1,589,051, US 3,633,243, US 3,944,344, US 4,534,628, US 4,747,183 and FR 2340026. Of these documents, US 4,747,183, was cited in an IDS of January 19, 2006. The other references are cited by the present IDS.

Also for the present IDS, enclosed is Check No. 44231 in the amount of \$180.00 in payment of the fee for submitting an Information Disclosure Statement after the first Office Action but before Final Rejection pursuant to Rule 97(c) and Rule 17(p).

Date: Dec. 7, 2006 By: Anthony P. H.
Respectfully submitted,
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APV/pgw
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